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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAJA KANNAN,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 5:17-cv-07305-EJD (VKD)

**PLAINTIFF'S ADMINISTRATIVE
MOTION TO CONTINUE EXPERT
DISCOVERY AND PRE-TRIAL
DEADLINES**

Complaint Filed: December 26, 2017
FAC Filed: May 10, 2018
SAC Filed: October 19, 2018

Pursuant to Civil Local Rule 7-11, Plaintiff respectfully requests the Court to continue the Expert Discovery and Pre-Trial Deadlines.

I. INTRODUCTION

Pro Se Plaintiff seeks a continuance of the expert discovery and pre-trial deadlines because Defendant has been stalling, stonewalling and wholly uncooperative in following the Order by Magistrate Judge Virginia K. DeMarchi re [239] Discovery Letter Brief RE: Access To The Attorneys Eyes Only (AEO) Designated Documents To The Plaintiff Proceeding Pro Se (Dkt. 247.). Defendant's behavior had led to the filing of Joint Discovery Status Report re AEO Designations (DKT 249.) on May 15th 2020 and requested the Magistrate Judge Virginia K. DeMarchi to resolve the matter and uphold the Order. In order to ensure that Defendant complies with his discovery obligations, and to allow the Court time to consider the parties' joint discovery status brief, Plaintiff requests a six-week continuance of the remaining expert discovery and pre-trial deadlines, Also the Court can rule on its upcoming motion to disqualify counsel, for monetary sanctions and redo expert discovery due to the egregious conduct of Defendant counsel in violation of California Rules Of Professional conduct.

II. PROCEDURAL HISTORY

A. Pro Se Plaintiff Unable To Access AEO Documents To Respond to Defendant's RFP And Complete Expert Witness Deposition.

Plaintiff filed a Discovery Letter Brief RE: Access To The Attorneys Eyes Only (AEO) Designated Documents (Dkt.239) to resolve the AEO designation dispute so that Plaintiff can respond to Defendant's RFP Set 3, preside and complete the expert witness deposition. On, Apr 28th, 2020, Magistrate Judge Virginia K. DeMarchi issued an Order advising Defendant to produce the AEO designated documents in an "Anonymized Form" (Dkt.247). Defendant has been stalling, stonewalling and wholly uncooperative in following the Order had led to the filing of Joint Discovery Status Report re AEO Designations (DKT 249.) on May 15th, 2020 and requested the Magistrate Judge Virginia K. DeMarchi to resolve the matter and uphold the Order. Until this matter is resolved Plaintiff can't

1 respond to RFP Set 3 and complete expert deposition which warrants extension of the remaining
2 deadlines.

3
4 **B. Defendant's Counsel Egregious Conduct Violating California Rules Of
Professional Conduct Leading To Various Motions.**

5 Defendant's counsel egregious conduct violating California Rules Of Professional
6 Conduct had caused the expert witness to withhold his testimony and pressured him to withdraw from
7 the case. Plaintiff will be filing the motion to disqualify counsel, for monetary sanctions and redo
8 expert discovery soon and hence to allow the Court time to rule on these upcoming motions.
9

10 **III. STATEMENT OF COMPLIANCE**

11 Pursuant to Local Rule 7-11, Plaintiff sought Defendant's counsel stipulation to extend the
12 remaining expert discovery and pre-trial deadlines for 4 weeks in an email on May 16th, 2020. (Kannan
13 Decl. ¶1.) Defendant has not stipulated to a continuance. (Kannan Decl. ¶1.)
14

15 **IV. REQUEST FOR RELIEF**

16 To allow the court sufficient time to rule on the parties' joint discovery briefs and upcoming
17 motions, and to further allow the parties adequate time to prepare for and complete the outstanding
18 expert discovery before the deadline, Apple requests a six-week continuance of the remaining expert
19 discovery and pre-trial deadlines. This continuance is justified due to Defendant's stalling,
20 stonewalling tactics on various matters and egregious conduct, despite Plaintiff's ongoing efforts to
21 resolve these matters informally.
22

23 Plaintiff respectfully requests that this Court approve the following schedule:

24 1. The current close of expert discovery currently set for **May 18, 2020**, is continued to
25 **June 29, 2020**.

26 2. The current deadline to file a motion to compel expert discovery currently set for **May**
27 **26, 2020**, is continued to **July 7, 2020**.
28

1 3. The current deadline to file dispositive motions currently set for **June 4, 2020**, is
2 continued to **July 16, 2020**.

3 4. The current dispositive motion hearing currently set for **July 16, 2020**, is continued to
4 **Aug 27, 2020**.

5 5. The current deadline for the Joint Trial Setting Statement currently set for **May 21**,
6 **2020**, is continued to **July 2, 2020**.

7 The current Trial Setting Conference set for **June 4, 2020 at 11:00 a.m.**, is continued to **July**
8 **16, 2020 at 11:00 a.m.**

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11 Dated: May 15, 2020
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13 By: /s/Raja Kannan
14 RAJA KANNAN
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